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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/757,327 | 01/09/2001 | Achim Vowe | GR 98 P 2054 US | 5500 |
| 24131 | 7590 | 01/13/2005 | EXAMINER | |
| LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480 | | | CASIANO, ANGEL L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2182 | |

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 09/757,327 | Applicant(s) VOWE, ACHIM | |
| | Examiner Angel L Casiano | Art Unit 2182 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17 is/are allowed.
- 6) ☒ Claim(s) 1-4,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The present Office action is in response to Amendment dated 14 October 2004.
2. Claims 1-17 are pending.

Drawings

3. Previous Objection to the Drawings has been overcome with the corrections presented in the Amendment.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should *avoid using phrases which can be implied*, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. Examiner acknowledges the new title submitted by Applicant.

Claim Rejections - 35 USC § 112

6. Previous Rejections under 35 U.S.C. 112, second paragraph have been overcome with the corrections submitted in the present Amendment.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 4, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomson [US 5,600,782].

Regarding claim 1, Thomson teaches a controller area network (CAN) module (see Figs. 3-4) including storage elements (see “registers”, col. 5, lines 22-59) having data. Thomson explicitly teaches representing different states of the CAN module (see “plurality of states the Can interface is operating”, col. 12, lines 1-2).

As for claim 2, Thomson teaches CAN nodes (see Figure 4; col. 1, lines 37-40, 65-66; col. 2, lines 30-33). In addition, the prior art includes jointly utilized components that can be connected alternately to the CAN nodes (see “defective nodes are switched to a busoff state”, col. 2, lines 34-36).

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As per claim 4, Thomson teaches a component as a “CAN *protocol* controller device” (see col. 4, lines 24-25).

As for claim 9, Thomson teaches reactions to requests being determined in advanced and stored in buffer until the request occurs (see col. 5, lines 46-55, 65-67; col. 6, lines 1-4).

Regarding claim 10, Thomson teaches a controller area network (CAN) module for a microcontroller (see col. 4, line 67; col. 5, line 1; Figure 3, “19”) including storage elements (see “registers”, col. 5, lines 22-59) having data. Thomson explicitly teaches representing different states of the CAN module (see “plurality of states the Can interface is operating”, col. 12, lines 1-2).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson [US 5,600,782] in view of applicant’s admission of prior art [AAPA].

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As for claim 3, Thomson does not explicitly teach components whose capacity utilization is below a capacity utilization threshold, as claimed. Nonetheless, AAPA teaches that a bit-stream processor (BSP) (see Page 3, line 25) is subject to "little capacity utilization". Accordingly, Thomson teaches a bit-stream processor (see Figure 4, "37" and "MUX 35B", "MUX 35A"). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Thomson teaches a component whose capacity utilization is below a determined utilization capacity.

Claim Objections

11. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

12. Claims 11-17 are allowed.

Response to Arguments

13. Examiner acknowledges Amendments to claim 11 and therefore allows claims 12-17 as dependent upon an allowable claim.

Claims 5-8 are now objected as depending upon a rejected claim (claim 2). Previous Rejection under 35 U.S.C. 112, second paragraph has been overcome.

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Applicant's arguments filed 14 October 2004 regarding claims 1-4 and 9-10 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues (Page 20 of 22) that data stored represents "different states of the CAN module". However, applicant also argues in this claim that these states are "used to attach to multiple CAN buses". Furthermore, Applicant argues, "these different states are necessary to operate with multiple CAN nodes". Examiner respectfully submits that these features are not claimed in claim 1.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., different states are necessary to operate with multiple CAN nodes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Voorhees et al. [US 5946471 A] teaches a network controller 12 comprising a high-speed microcontroller 30 and a controller area network module 36. The controller area network module 36 manages all interaction laboratory stations and the network controller via a driver/receiver circuit 54 connected to network 14.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc
05 January 2005



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100